

REMARKS

The Office Action dated August 7, 2007 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 7, 10-13, and 39-41 are pending in this application. Claims 11-13 and 26-38 have been withdrawn by the Examiner. By this Amendment, claims 26-38 have been cancelled without prejudice or disclaimer, and claims 39-41 have been added. The amendments are supported in the specification by at least page 23 (line 22) to page 24 (line 11), and by Fig. 5.

Applicants acknowledge the restriction of claims 11-13 and 26-38, and reserve the right to file divisional and/or continuing applications. Applicants respectfully request the rejoinder of claims 11-13 as these claims depend from, and thus contain all of the features of, independent claim 7.

Claims 7, 10, 18, 21, and 24-25 stand rejected under 35 U.S.C. §103(a) over Li (US6278216); claims 14-17 stand rejected under 35 U.S.C. §103(a) over Li in view of Okuda (US5973463); and claims 19-20 and 22-23 stand rejected under 35 U.S.C. §103(a) over Li in view of Stulbach (US6082476). The rejections are respectfully traversed.

With regard to independent claims 7 and 10, the applied references fail to show, describe, teach, or suggest a vehicle or method involving an electric motor having a motor control scheme that can be dynamically adapted ... to form an adapted control scheme. The Office Action at page 6 asserts that Li shows a motor control system in Fig. 12 that has a processor MPU. The Office Action further asserts, without support, that Li's processor MPU "obviously would be dynamically adapted to ... form an adapted control scheme."

The Office Action at pages 4 and 6 interprets Li's device to have "a motor control scheme that can be dynamically adapted" to form an adapted control scheme simply because Li's controller MPU allegedly could provide a degree of control to the Li device in response to user inputs, operating conditions, and operating parameters. However, contrary to MPEP §2111.01, this interpretation is not consistent with at least the instant specification, which describes an adaptive system in which the control system itself changes how it operates in response to user inputs, machine operating conditions, and machine operating parameters. See the instant specification at page 2 (line 8-10) and 29 (line 22) to 31 (line 13). Li does not show, describe, teach, or suggest an adaptive electric machine because Li's controller MPU is not shown or described to have the ability to change how it operates.

Furthermore, nowhere does Li show, describe, teach, or suggest the formation of an adapted control scheme, as recited in independent claims 7 and 10. The Office's interpretation of Li, at most, has Li's controller MPU operating as a controller according to a single pre-programmed control scheme, and there is no clear articulation of a reason why or how Li's pre-programmed control scheme would be modified to form an adapted control scheme from an initial motor control scheme.

The Office also has not provided the "clear articulation of the reason(s) why the claimed invention would have been obvious" as set forth in recent PTO guidance regarding the standard for obviousness. *See* 72 FR 57526 at 57528. For example, the Office Action does not provide findings of fact concerning the state of the art, or provide the rational underpinning for the asserted combination of references. Accordingly, the Office fails to set forth a *prima facie* rejection under §103(a).

For the foregoing reasons, the applied references, alone or in combination, fail to show, describe, teach, or suggest all of the features recited in independent claims 7 and 10, as a whole, and the dependent claims thereof. It is respectfully requested that the rejections be withdrawn.

With regard to new claims 39-41, these claims are allowable for at least the reasons set forth above with regard to claims 7 and 10.

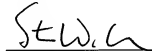
CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration of this Application and the prompt allowance of the pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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